

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

**MICHAEL RICARDO MARTIN**  
Petitioner,

v.  
**JAMES FORTNER, WARDEN**  
Respondent.

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**No. 3:08-0863**  
**Judge Campbell**

**ORDER**

In accordance with the Memorandum contemporaneously entered, the Court finds that the petitioner's § 2254 habeas corpus petition (Docket Entry No. 1) lacks merit. Accordingly, the petition is DENIED and this action is hereby DISMISSED. Rule 8(a), Rules -- § 2254 Cases.

Should the petitioner file a timely notice of appeal from this order, such notice shall be treated as an application for a certificate of appealability, 28 U.S.C. § 2253(c), which will NOT issue because the petitioner has failed to make a substantial showing of the denial of a constitutional right.

It is so ORDERED.

  
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Todd Campbell  
United States District Judge